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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/704,507	11/07/2003	Mark Dennis Norton	1578.623	4072

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RESEARCH IN MOTION, LTD  
102 DECKER CT.  
SUITE 180  
IRVING, TX 75062

EXAMINER
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CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/704,507

Applicant(s)

NORTON ET AL.

Examiner

Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vialen et al. (Vialen), U.S. Patent No. 6,826,406, previously used in view of Funnell et al. (Funnell), US Pub. No. 2005/0086466.

Regarding claim 1, Vialen discloses a method of processing a message received at a user equipment in a UMTS communications system, wherein the message includes a Ciphering Mode Info information element and is one of a plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA Update Confirm message and a UTRAN Mobility Information message, the method comprising: determining whether a Ciphering Activation Time for DPCH information element is present in the message when radio bearers exist using radio link control

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(RLC) transparent mode (TM); and in the event that the Ciphering Activation Time for DPCH information element is not present, returning a message indicating the absence of the information element (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 2, Vialen discloses a method according to claim 1, wherein the step of returning a message indicating the absence of the Ciphering Activation Time for DPCH information element comprises returning a message including the value INVALID\_CONFIGURATION (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 3, Vialen discloses a method according to claim 1, wherein the step of returning a message indicating the absence of the Ciphering Activation Time for DPCH information element comprises returning a message including the value UNSUPPORTED\_CONFIGURATION (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 4, Vialen discloses a method of preparing a message for transmission to a user equipment in a UMTS communications system, the message including a Ciphering Mode Info information element, the method comprising determining whether radio bearers exist using radio link control (RLC) transparent mode (TM); and if they do exist, determining whether the message is one of a plurality of message types for which a Ciphering Activation Time for DPCH information element is

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to be included, the plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA Update Confirm message and a UTRAN Mobility Information message; and in the event the message is one of said plurality of message types, including the Ciphering Activation Time for DPCH information element in the message (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 5, Vialen discloses a method of processing a message received at a user equipment (UE) from a UTRAN in a UMTS communications system, wherein the message includes a Ciphering Mode Info information element and is one of a plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA Update Confirm message and a UTRAN Mobility Information

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message, the method comprising: determining whether a Ciphering Activation Time for DPCH information element is present in the message when radio bearers exist using radio link control (RLC) transparent mode (TM); and in the event that the information element is not present, selecting an activation time for applying ciphering changes for the transparent mode radio bearers (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 6, Vialen discloses a method according to claim 5, wherein the step of selecting the activation time for applying ciphering changes comprises using a message activation time received from the UTRAN (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 7, Vialen discloses a method according to claim 6, wherein the message activation time is included in the Activation Time information element (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 8, Vialen discloses a method according to claim 7, comprising, in the absence of the Activation Time information element, using an activation time of NOW (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).



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At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 9, Vialen discloses a method according to claim 5, wherein the step of selecting an activation time comprises selecting an activation time at the UE independently of the UTRAN and sending a response message including the selected activation time to the UTRAN(col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 10, Vialen discloses a method according to claim 9, comprising returning the selected activation time using the COUNT-C Activation Time information element (col. 5,lines 32-50 and col. 6,lines 1-10 and col. 7,lines 14-50 and col. 9,line 30 to col. 10,line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 11, Vialen discloses a method according to claim 9, further comprising using the selected activation time at the UE as the time for applying ciphering changes for transparent mode radio bearers (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Regarding claim 12, Vialen discloses a method according to claim 11, further comprising receiving the selected activation time at the UTRAN and using the received activation time as the time for applying ciphering changes for transparent mode radio bearers (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Regarding claim 13, Vialen discloses a method according to claim 5, comprising selecting an activation time of NOW to immediately apply ciphering changes for transparent mode radio bearers (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Regarding claim 14, Vialen discloses user equipment for receiving a message in a UMTS communications system, wherein the message includes a Ciphering Mode Info information element and is one of a plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer

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Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA Update Confirm message and a UTRAN Mobility Information message, the user equipment comprising: a control module configured to determine whether a Ciphering Activation Time for DPCH information element is present in the message when radio bearers exist using radio link control (RLC) transparent mode (TM); and a transmitter for returning a message indicating the absence of the information element, in the event that the Ciphering Activation Time for DPCH information element is not present (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 15, Vialen discloses A UTRAN for transmitting a message to a user equipment in a UMTS communications system, the message including a Ciphering Mode Info information element, the UTRAN comprising: a control module for determining whether radio bearers exist using radio link control (RLC) transparent mode (TM); the control module further being configured to determine, in the event that said radio bearers exist, whether the message is one of a plurality of message types for

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which a Ciphering Activation Time for DPCH information element is to be included, the plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm message, a URA Update Confirm message and a UTRAN Mobility Information message; and the control module being configured to include the Ciphering Activation Time for DPCH information element in the message in the event that the message is one of said plurality of message types (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

Regarding claim 16, Vialen discloses user equipment (UE) for receiving a message from a UTRAN in a UMTS communications system, wherein the message includes a Ciphering Mode Info information element and is one of a plurality of message types comprising a Radio Bearer Setup message, a Radio Bearer Reconfiguration message, a Radio Bearer Release message, a Transport Channel Reconfiguration message, a Physical Channel Reconfiguration message, a Cell Update Confirm

message, a URA Update Confirm message and a UTRAN Mobility Information message, the user equipment comprising: a control module for determining whether a Ciphering Activation Time for DPCH information element is present in the message when radio bearers exist using radio link control (RLC) transparent mode (TM); the control module being configured to select an activation time for applying ciphering changes for the transparent mode radio bearers, in the event that the information element is not present (col. 5, lines 32-50 and col. 6, lines 1-10 and col. 7, lines 14-50 and col. 9, line 30 to col. 10, line 34).

Vialen fails to explicitly disclose a DPCH information element that identifies a ciphering activation time.

In a similar field of endeavor, Funnell discloses a DPCH information element that identifies a ciphering activation time ([0009-0012] and [0031-0034] and [0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Vialen for the purpose of determining ciphering activation time in a universal mobile telecommunications system.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

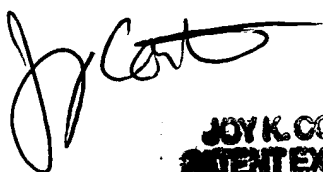
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JOY K. CONTEE**  
**PATENT EXAMINER**



**TEMICA BEAMER**  
**PRIMARY EXAMINER**